

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles A. Vacanti, Joseph P. Vacanti, and Martin P. Vacanti

Serial No: 10/713,472

Art Unit: 1647

Filed: November 14, 2003

Examiner: Daniel C. Gamett

For: *"POPULATION OF UNDIFFERENTIATED NEURAL, ENDOCRINE OR
NEUROENDOCRINE CELLS IN A HYDROGEL SUPPORT"* (as amended)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER AN ISSUED PATENT**

Sir:

Petitioner, VBI Technologies, L.L.C., is the owner of the entire interest in the above-identified application U.S.S.N. 10/713,472, filed November 14, 2003 and U.S. Patent No. 6,171,610, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,171,610. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U. S. Patent No. 6,171,610 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U. S. Patent No.6,171,610, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned (whose title is supplied below) is empowered to act on behalf of VBI Technologies, L.L.C.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

VBI TECHNOLOGIES, L.L.C.

By: Patrea L. Pabst/

Name: Patrea L. Pabst

Title: Attorney of Record

Date: December 13, 2006